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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CHARLES NOVINS, ESQ., AND CHARLES NOVINS, PERSONALLY PLAINTIFFS, V. KEVIN A. CANNON, ET AL. DEFENDANTS.	CIVIL ACTION: 09-CV-5354-AET-DEA CROSS-CLAIM
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CROSS-CLAIM

Cross-claimants Carl R. Osterwald and Yvonne S. Osterwald (“Cross-Claimants”) hereby
allege as follows:

PARTIES

1. Cross-Claimant Carl R. Osterwald is an individual whose principal address is 75 S.
Dudley St. Lakewood, Colorado 80226.

2. Cross-Claimant Yvonne S. Osterwald is an individual whose principal address is 75 S. Dudley St. Lakewood, Colorado 80226.

3. Cross-Claimants Carl R. and Yvonne S. Osterwald are husband and wife and were married in a civil ceremony on June 21, 1980.

4. Cross-Claimants, upon information and belief, and on that basis allege that Cross-Defendant Mr. John Edward Cook II, is an individual living in the State of Arkansas at 402 NW 8th Street, Atkins, Arkansas 72823.

JURISDICTION AND VENUE

5. This Court has personal jurisdiction over the identified Cross-Defendant as part of the instant case currently venued in this Court.

6. The addition of this party does not affect diversity.

7. Leave to implead this Cross-Defendant was granted by the Honorable Douglas Arpert, Magistrate Judge on February 10, 2011.

FACTS COMMON TO ALL CROSS-CLAIMS

8. Usenet is the oldest system of organized bulletin boards for the Internet and dates back to the early 1980's.

9. It is organized as a network of linked Usenet servers which store and distribute posts written by people.

10. Posters to the servers use client software to upload messages, photos, or other data to the newsgroups.

11. The post header appears on each post and contains, among other things, information regarding the author of the post.

12. Posters can post messages under their actual name or assume a fictitious name.

13. John Edward Cook II ("Cook") has been associated with or has used the posting names of "Honest John", and/or "HJ", and/or, "John C.", and/or "John E. Cook", and/or "John Cook", and/or "John Edward Cook", and/or "John Edward Cook II", and/or "King John I of AUK", and/or "KHJ", and/or "John \"C\"", and /or "honestjohn@centurytel.net".

14. John Edward Cook II, either as an individual or using posting names posted to various newsgroups in the Usenet system including alt.usenet.kooks, 24hoursupport.helpdesk; alt.2600; alt.alien.research; alt.alien.vampire.flonk.flonk.flonk; alt.alien.visitors; alt.aratzio; alt.arts.poetry.comments; alt.astronomy; alt.astronomy.art-deco; alt.atheism; alt.callahans; alt.consciousness.4th-way; alt.culture.alaska;alt.douchebag.art-deco; alt.fan.art-bell; alt.fan.karl-malden.nose; alt.fan.rush-limbaugh; alt.fifty-plus.friends; alt.flame; alt.fluff-girl.pinku-sensei; alt.fuckhead.art-deco; alt.fucknozzles; alt.gay-caballers.must-die.die.die; alt.halloween.boo; alt.illuminati; alt.philosophy; alt.pjr.is.gay; alt.politics.homosexuality; alt.religion.islam; alt.religion.scientology; alt.sailing.asa; alt.scumbag.pinku-sensei; alt.snuhewolf; alt.suicide.holiday; alt.suicide.methods; alt.support.anhedonia; alt.support.boy-lovers; alt.support.depression; alt.support.impotence; alt.troll; alt.usenet.kooks; de.alt.augenoptik; demon.local; edm.general; misc.legal; news.admin.net-abuse.usenet; news.groups; rec.arts.poems; rec.boats.cruising; rec.gambling.poker; sci.math; sci.physics; ci.psychology.psychotherapy; soc.culture.greek; soc.culture.israel; soc.men; soc.singles.

15. Gregory Hall is posting name used by an unknown person(s) or corporation(s) who made posts to the Usenet system.

16. "Art Deco" is a posting name used by the Cross-Claimant Carl R. Osterwald to make posts to the Usenet system.

17. Carl R. Osterwald lives in Lakewood, Colorado, and is employed in Golden, Colorado.

18. Carl R. Osterwald has a daughter whose name is Katy Lee Osterwald.

19. On or about November 15, 2008, Cook posting as "John \"C\"">

<honestjohn@centurytel.net> published the following:

I think that Carl's in prison fer his buggerin activities in the City Park.

I wonder if Carl's bunk-mate is Gay like ole Carl? If he's from Rainbow Colorado it's highly likely, HJ!

Purchasing BoloViewer BoloViewer isn't shareware; I am selling it via e-mail instead. If e-mail doesn't work for your situation, I will get you a copy on a floppy disk or an Iomega ZIP 100 disk, provided you send a blank disk with your payment. Please send \$25.00 U.S. to:

Carl R. Osterwald
75 S. Dudley St.
Lakewood, CO 80226 USA
carl_osterw...@usa.net

A site license is available for \$75.00 U.S.

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On the internet for all to see!

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And he digitally signed the posting as "HJ".

20. On February 10, 2009 a post from one Gregory Hall referred to Art Deco as the "pedo" Art Deco, and asks a "John C." for incriminating information for use in compiling a pedophile list.

21. On February 11, 2009, Charles Novins, using the posting name atlas bugged <atlasbuggedbyspam@gmail.com>, asked John C. for any information he has on "Colorado Carl" to assist with his process service, and repeats and republished the prior post of Mr. Hall's from February, 10, 2009.

22. On February 11, 2009, Cook posting as ""John "C"" <honestjohn@centurytel.net "" published two town addresses for "Carl O." - one in Golden, Colorado, and one in Lakewood, Colorado. John C. also published the following to a worldwide audience:

I suspect that he lived with his wife Yvonne and daughter Katy Lee at the Lakewood address until she caught him in bed with a couple of the "Gay teens" from the City Park, so now he lives at the Golden, Colorado address where he shares his bed with "Who Knows", now.... Being a Faggot, Deco hates wimmins and thus hated his new female boss at his "Gravy Train" gov't. job. He couldn't hold his tongue very long as it was always covered with white teen boy jizz and started "Bad-Mouthing" his new female boss on the newsgroup 'alt.rhode\_island' and she was tipped-off by Phineas Puddleduck and the rest is history. Details in the e-mail !!

23. On February 11, 2009 Charles Novins, using the posting name atlas bugged <atlasbuggedbyspam@gmail.com>, reposted the February 11, 2009 comments by Cook a/k/a/ John C. on several newsgroups, thereby reaching a worldwide audience, and publically thanked Cook a/k/a John C. multiple times for his efforts, citations, and posts.

24. On February 11, 2009 Cook using the posting name of "John \"C\""" honestjohn@centurytel.net posted a message to a worldwide audience with the following Subject line: "Carl O.~~~>Art Deco~~~>Some Gay Guy~~~> > :-o<==8."

25. On April 13, 2009, Cook posting as "King John I of AUK" <honestjohn@centurytel.net"" posted to a worldwide audience that "Art endangers Katy Lee....." and wrote: Art, STFU, you Faggot !!, digitally signing the posting "KHJ".

**CLAIMS FOR RELIEF**

**COUNT I**  
**DEFAMATION**

26. The Cross-Claimants reallege and reaffirm the preceding allegations as if fully set forth herein.

27. The Cross-Defendant has intentionally published false and defamatory statements to a worldwide audience, regarding Carl R. Osterwald and/or Yvonne S. Osterwald.

28. The Cross-Defendant published the statements with actual knowledge of their falsity, or with reckless disregard of their truth or falsity, thereby causing the Cross-Claimants damages including emotional distress, embarrassment, and humiliation.

**WHEREFORE**, Counter-Claimants demand judgment against the Cross-Defendant for compensatory damages, punitive damages, prejudgment and post-judgment interest, costs of suit, and other such relief as the Court deems equitable and just.

**COUNT II**  
**INVASION OF PRIVACY-FALSE LIGHT**

29. The Cross-Claimants reallege and reaffirm the preceding allegations as if fully set forth herein.

30. The Cross-Defendant has intentionally published false statements to a worldwide audience, regarding Carl R. Osterwald and/or Yvonne S. Osterwald that placed the Counter-Claimants in a false light before the public.

31. The statements published by the Cross-Defendant concerning Carl R. Osterwald and/or Yvonne S. Osterwald are highly offensive to a reasonable person.

32. The Cross-Defendant published the statements with actual knowledge of their falsity, or with reckless disregard of their truth or falsity, thereby causing the Cross-Claimants damages including emotional distress, embarrassment, and humiliation.

**WHEREFORE**, Cross-Claimants demand judgment against the Cross-Defendant for compensatory damages, punitive damages, prejudgment and post-judgment interest, costs of suit, and other such relief as the Court deems equitable and just.

**DEMAND FOR JURY TRIAL**

The Defendant demands a trial by jury for all matters so triable.

**DESIGNATION OF TRIAL COUNSEL**

Joseph A. Manzo is hereby designated as trial counsel for Carl R. Osterwald and Yvonne S. Osterwald.

Dated February 22, 2011 /s/ Joseph A. Manzo, Esq.  
JOSEPH A. MANZO

**CERTIFICATION**

Carl R. Osterwald and Yvonne S. Osterwald, by their attorney hereby certify, to the best of their knowledge, that the matter in controversy is not the subject of any other pending judicial arbitration or proceeding. Present action 09-CV-5354-AET-DEA was originally venued in New Jersey Superior Court – Civil Division, Ocean County as *Novins v. Cannon*, Docket No: L-705-09. Cross-Claimants Carl R. and Yvonne S. Osterwald are not currently aware of any other identifiable parties that should be joined in this action.

Dated February 22, 2011 /s/ Joseph A. Manzo, Esq.  
JOSEPH A. MANZO